



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
APRIL 21, 2020 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

City Council conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

5:30 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:30 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald (via teleconference), Mayor Pro Tem / Vice Chair Flory (via teleconference), Council Members Silva (via teleconference), Whitaker (via teleconference), Zahra (via teleconference)

Absent: None

Staff Present: City Manager Kenneth A. Domer (via teleconference), City Attorney Richard D. Jones (via teleconference), Deputy City Manager Antonia Castro-Graham (via teleconference), Deputy City Attorney Richard L. Adams (via teleconference), City Clerk Lucinda Williams

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:32 p.m.

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(4)**

Significant Exposure to Litigation: One Case

2. **CONFERENCE WITH LABOR NEGOTIATOR Per Government**

Code Section 54957.6

Agency Representative/s: City Manager Kenneth A. Domer, Deputy City Manager Antonia Castro-Graham

Employee Organization/s: Executive, Fullerton Fire Management Association, Fullerton Municipal Employees Federation, Fullerton Police Officers' Association-Public Safety Unit, Fullerton Police Officers' Association-Dispatch, Fullerton Firefighters' Association, Fullerton Police Management Association, Fullerton Management Association

Unrepresented Employees: Confidential / Non-Represented Employees

Under Discussion: Negotiating salaries, benefits and working conditions specifically related to COVID-19 pandemic.

6:18 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:18 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
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REGULAR MEETING MINUTES**

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Present: Mayor / Chair Fitzgerald (via teleconference), Mayor Pro Tem / Vice Chair Flory (via teleconference), Council / Agency Members Silva (via teleconference), Whitaker (via teleconference), Zahra (via teleconference)

Absent: None

Staff Present: City Manager Kenneth A. Domer (via teleconference), City Attorney Richard D. Jones (via teleconference), City Clerk Lucinda Williams, Deputy City Manager Antonia Castro-Graham (via teleconference), Director of Community and Economic Development Matt Foulkes (via teleconference), Public Works Director Meg McWade (via teleconference)

INVOCATION given by Imam Qaisar, Islamic Center of Fullerton.

PLEDGE OF ALLEGIANCE led by Mayor Fitzgerald.

CLOSED SESSION REPORT

In the Anticipated Litigation per Government Code Section 54956.9(d)(4), City Attorney Jones reported City Council unanimously voted to initiate litigation.

**EX PARTE COMMUNICATIONS REPORT PURSUANT TO
FMC 2.33.040 - TRANSPARENCY AND**

ACCOUNTABILITY IN LABOR NEGOTIATIONS

None.

PRESENTATIONS

None.

PUBLIC COMMENTS

City Clerk Williams read the following eComments into the record:

- Harry Langenbacher regarding sanitation for homeless.
- Guest User regarding ADA access in the Richman / Valley View neighborhood.
- Jane Reifer asked for more information regarding the eviction moratorium on the City's webpage.
- Guest User asked the City to reinstate the Fullerton Fit Club.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS APPOINTMENTS

City Manager Domer responded to issues arising during public comments and provided an update on the City's COVID-19 activities.

Council Member Zahra noted the upcoming Ramadan holiday, spoke about water rates, announced the return of his monthly community meetings and asked to bring back the safe parking program, request a presentation from SCE regarding the Richman / Highland neighborhood, add more information on the City's resource page, protect employees and city services and create an economic recovery task force.

Council Member Silva recognized the school district and CSUF Healthy Communities' efforts in serving the community during the COVID-19 crisis.

Mayor Pro Tem Flory acknowledged Meals on Wheels for continuing services during the pandemic.

Mayor Fitzgerald spoke about volunteer opportunities through LoveFullerton, announced an upcoming Donate Life event, thanked residents, businesses and community groups for their efforts during the pandemic and referred the community for 2-1-1 OC for resources.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 7)

City Clerk Williams read the following eComments into the record:

- Guest User regarding March 2020 Check Register.
- Guest User regarding Unassigned Fund Balance Appropriation to Support Continued Emergency Preparedness Efforts.

Flory moved, seconded by Fitzgerald, to approve Consent Calendar Items 1 – 7.

Motion carried 5 – 0.

Approved

1. APRIL 7, 2020 MEETING MINUTES

Recommendation:

Approve April 7, 2020 City Council / Successor Agency Meeting Minutes.

Received and filed

2. MARCH 2020 CHECK REGISTER

Recommendation:

Receive and file.

Ordinance No. 3280 adopted

3. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3280.

ORDINANCE NO. 3280 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AMENDMENT TO THE FULLERTON MUNICIPAL CODE CHAPTER 15.17 TO UPDATE THE ZONING ORDINANCE PROVISIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND ASSOCIATED DEFINITIONS IN 15.04 IN ACCORDANCE WITH RECENT LEGISLATION AMENDING THE CALIFORNIA GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22

Approved

4. GENERAL FUND UNASSIGNED FUND BALANCE APPROPRIATION TO SUPPORT CONTINUED EMERGENCY PREPAREDNESS EFFORTS

Recommendation:

Appropriate \$650,000 of General Fund unassigned fund balance to support continued citywide emergency preparedness efforts.

Resolution No. 5. **APPLICATION AND RECEIPT OF SB 2 PERMANENT
2020-37 adopted LOCAL HOUSING ALLOCATION FUNDS**

Recommendation:

1. Adopt Resolution No. 2020-37.

RESOLUTION NO. 2020-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION AND RECEIPT OF FUNDING FOR PROJECTS UTILIZING PERMANENT LOCAL HOUSING ALLOCATION FUNDS

2. Authorize appropriation of SB 2 allocations.

Approved 6. **E-RATE GRANT FUNDING OF LIBRARY TECHNOLOGY
NEEDS**

Recommendation:

1. Authorize Library Director, or designee, to execute agreement, in a form approved by the City Attorney.
2. Authorize application for Fiscal Year 2020 Category 2 E-Rate program which requires City match of \$43,390.58.
3. Should Category 2 grant be awarded, authorize acceptance of grant award and appropriation of amounts awarded and matching funds.

Approved 7. **ON-CALL PROFESSIONAL AIRPORT ARCHITECTURAL /
ENGINEERING / PLANNING / ENVIRONMENTAL
CONSULTANT SERVICES**

Recommendation:

1. Authorize Public Works Director, or designee, to execute a Consultant Agreement for on-call professional airport architectural / engineering / planning / environmental consultant services with C&S Companies, Inc., in a form approved by the City Attorney.
2. Authorize Director of Administrative Services to issue purchase orders to these firms for individual projects on an as-needed basis.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 8 - 12)

Approved 8. **MONTHLY LEGISLATIVE UPDATE AND COVID-19 STATE**

AND FEDERAL LEGISLATION

Flory moved, seconded by Zahra, to:

1. Receive and file Monthly Legislative Report.
2. Direct Staff accordingly pending discussion on state and federal legislation and city advocacy efforts.
3. Authorize participation in and nominal staff support for California Mayor's Coalition Association efforts to better represent cities for COVID-19 support.

Motion carried 5 – 0.

Direction provided

9. DIRECTION REGARDING MANDATORY FACE COVERINGS WITHIN THE CITY OF FULLERTON

City Clerk Williams reported the City received 45 eComments on this item with 37 in support and five opposed.

Flory moved, seconded by Zahra, to direct the Director of Disaster Services to issue a proclamation to adopt the County's face covering regulations approved on April 21, 2020 for the following essential businesses: grocery stores, pharmacy / drug stores, convenience stores, gas stations, restaurants, food preparation establishments and retail stores and further include banking establishments with no physical barrier between employees and patrons with regulations to apply to employees and patrons while inside those businesses.

Motion carried 3 – 2 (No: Whitaker, Fitzgerald).

Approved

10. HILLCREST PARK - DUCK POND IMPROVEMENTS

City Clerk Williams read the following eComments into the record:

- Guest User questioning the timing of this expenditure.

Fitzgerald moved, seconded by Silva, to:

1. Approve plans and specifications for Hillcrest Park - Duck Pond Improvements Project.
2. Approve \$396,500 budget transfer to Project 54500 Hillcrest Park from Park Dwelling Fund Balance.
3. Award \$829,600 construction contract for Hillcrest Park - Duck Pond Improvements Project to Three Peaks Corp., in a form approved by the City Attorney.
4. Authorize Director of Public Works, or designee, to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Motion carried 5 – 0.

Approved

11. PFAS TREATMENT FACILITIES AND PROGRAM AGREEMENT WITH ORANGE COUNTY WATER DISTRICT FOR TREATMENT PLANTS RELATED TO PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

Zahra moved, seconded by Silva, to authorize City Manager, or designee, to execute attached PFAS Treatment Facilities and Program Agreement, subject to minor changes approved by City Attorney's Office and City Manager, and any other necessary documents, with Orange County Water District related to construction of Fullerton's PFAS Treatment Facilities and ongoing operations and maintenance.

Motion carried 5 – 0.

Resolution
2020-38 adopted

No. 12. MILLS ACT PROGRAM ADOPTION AND GUIDELINES

Flory moved, seconded by Zahra, to adopt Resolution No. 2020-38.

RESOLUTION NO. 2020-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A MILLS ACT PROGRAM FOR THE PRESERVATION, REHABILITATION AND MAINTENANCE OF ELIGIBLE HISTORIC PROPERTIES AND ASSOCIATED PROGRAM ADMINISTRATION GUIDELINES

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

None.

8:20 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 8:20 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk